

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
TRISTAR ACCEPTANCE, LLC,

Plaintiff,

v.

AQUA FINANCE, INC.,

Defendant.

ORDER

15-cv-551-bbc

THOSE CERTAIN UNDERWRITERS AT  
LLOYD'S, LONDON, Subscribing to  
Certificate No. WS20038-1401  
-----

This case is before the court on the petition of certain underwriters at Lloyd's, London, Subscribing to Certificate No. WS20038-1401, to intervene permissively in this action and file a complaint for declaratory judgment. In addition, they ask for a stay of the proceedings while the question of their coverage is litigated.

The underlying case involves a suit brought by plaintiff Tristar Acceptance, LLC, against defendant Aqua Finance, Inc., alleging breach of contract and breach of good faith and fair dealing with respect to an indirect loan purchase agreement. According to plaintiff, defendant tendered the complaint to the underwriters, seeking defense and indemnity under a professional services liability policy; the underwriters agreed to fund a defense, while reserving all of their rights with respect to defense and indemnity under the policy. Plaintiff

has no objection to the motion to intervene, but it does object to the underwriters' request for a stay of proceedings while the issue of coverage is litigated. Defendant has filed no objection either to the motion to intervene or the motion for stay.

As plaintiff points out, it is this court's practice to grant parties in the position of the underwriters leave to intervene and join the action but not to grant a motion for stay. Because the underwriters have shown no reason why this case requires a different treatment, I will follow the usual practice. Although I am denying the motion for stay, I will make every effort to reach a prompt resolution of the issue of the underwriters' obligation to defend and indemnify defendant Aqua.

#### ORDER

IT IS ORDERED that the petition to intervene and file a complaint for declaratory judgment filed by Certain Underwriters at Lloyd's, London, Subscribing to Certificate No. WS20038-1401, dkt. #12, is GRANTED, except insofar as Underwriters seeks a stay of the underlying dispute until resolution of the question of coverage is resolved. That request is DENIED. The Underwriters' complaint is deemed filed.

Entered this 3d day of December, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge